

IN THE MATTER

OF

STEVEN BARRY BROWN, M.D.
CO-10-06-3869-A

**COMMISSIONER'S
SUMMARY
ORDER**

TO: Steven Barry Brown, M.D.
REDACTED ADDRESS

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Florida, Department of Health, has made a finding substantially equivalent to a finding that the practice of medicine by **STEVEN BARRY BROWN, M.D.**, Respondent, New York license number 203921, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Order of Emergency Suspension of License, dated May 5, 2010, and allied papers, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **STEVEN BARRY BROWN, M.D.** shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Florida.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to Respondent after the final conclusion of the State of Florida, Department of Health proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, 433 RIVER STREET, SUITE 1000, TROY, NY 12180-2299, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON SUCH CONCLUSION.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER
SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-A.
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN
THIS MATTER.

DATE: Albany, New York
Jan 4, 2012

REDACTED SIGNATURE

Nirav R. Shah, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

Peter D. Van Buren
Deputy Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

Final Order No. DON-19-1076 ¹⁹⁰MQA
FILED DATE: 5-3-16
Department of Health

STATE OF FLORIDA
DEPARTMENT OF HEALTH

REDACTED SIGNATURE
By: Deputy Agency Clerk

IN RE: The Emergency Suspension of License of
Steven Barry Brown, M.D.
License Number: ME 60483
Case Numbers 2010- 06419 and 2010-07923

ORDER OF EMERGENCY SUSPENSION OF LICENSE

Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, ORDERS the emergency suspension of the license of Steven Barry Brown, M.D., to practice as a physician in the State of Florida. Dr. Brown holds license number ME 60483. His address of record is 2109 NE 18th Avenue, Wilton Manors, Florida 33305. The following Findings of Fact and Conclusions of Law support the emergency suspension of Dr. Brown's license to practice as a physician.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of medicine, pursuant to Chapters 20, 456, and 458, Florida Statutes. Section 456.073(8), Florida Statutes (2009), authorizes the State Surgeon General to summarily suspend Dr. Brown's license to practice as a physician in the State of Florida in accordance with Section 120.60(6), Florida Statutes (2009).
2. At all times material to this order, Dr. Brown was licensed to practice as a physician in the State of Florida pursuant to Chapter 458, Florida Statutes.

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3. At all times material to this Order, Dr. Brown practiced pain management at his office located at 605 East Atlantic Boulevard, Pompano Beach, Florida 33060.

4. At all times material to this Order, Dr. Brown was registered as a dispensing practitioner in the State of Florida pursuant to Section 465.0276, Florida Statutes.

5. Registration as a dispensing practitioner enables a physician to order and dispense prescription drugs, including, but not limited to, Schedule II, Schedule III, Schedule IV and Schedule V controlled substances as designated in Chapter 893, Florida Statutes.

6. During the week of March 22, 2010, a confidential source (CS) informed the Broward County Sheriff's Office (BCSO) and the Drug Enforcement Administration (DEA) that she was involved in illegal drug dealings with Dr. Brown. CS reported that she had been Dr. Brown's patient for four years for the treatment of chronic pain. CS reported that approximately two years ago, Dr. Brown told her that he would prescribe and pay for a prescription for 160 oxycodone tablets (30 mg) if she would give him half of the pills. CS agreed to enter into the arrangement proposed by Dr. Brown.

7. Oxycodone is a Schedule II controlled substance listed in Chapter 893, Florida Statutes, which is indicated for the management of moderate to

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severe pain when a continuous, around-the-clock analgesic is needed for an extended period of time. Oxycodone has a high potential for abuse and has a currently accepted, but severely restricted, medical use in treatment in the United States. Abuse of oxycodone may lead to severe physical and psychological dependence.

8. According to CS, for two years Dr. Brown prescribed and paid for her to fill 160 oxycodone tablets (30 mg) every month. Dr. Brown either gave CS cash to pay for the prescriptions or he gave her money after the prescriptions were filled in exchange for the oxycodone tablets. CS gave Dr. Brown at least half of the pills every month.

9. On or about March 24, 2010, CS reported that Dr. Brown wrote her a prescription for 180 oxycodone tablets (30 mg) and she filled the prescription. However, according to CS did not give any of the pills to Dr. Brown because she had decided she no longer wanted to continue her arrangement with Dr. Brown.

10. On or about March 27, 2010, a BCSO detective and DEA officer met with CS. CS agreed to place a recorded telephone call to Dr. Brown and to set up a meeting to deliver a portion of the most recently prescribed oxycodone tablets to Dr. Brown. Later that same day, CS placed a recorded telephone call to Dr. Brown and made arrangements to meet Dr. Brown to deliver the oxycodone tablets to him. Dr. Brown and CS agreed to meet in the parking lot of a Wendy's restaurant.

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11. On or about March 27, 2010, prior to CS's meeting with Dr. Brown, the DEA prepared an unlabeled medicine bottle with 50 oxycodone tablets (30 mg) for CS to deliver to Dr. Brown.

12. The officers then observed CS giving Dr. Brown the unlabeled bottle of oxycodone tablets containing 50 tablets. The officers also observed Dr. Brown giving CS cash after she gave him the bottle with the tablets.

13. BCSO detectives then approached Dr. Brown in his car and observed him with an oxycodone tablet and an unlabeled prescription bottle in his lap. Dr. Brown attempted to hide the unlabeled bottle and then stated the oxycodone tablets belonged to his cousin "Ester Glick."

14. The detectives conducted a search of Dr. Brown's car and found, in addition to the unlabeled bottle containing 48 tablets of oxycodone, a prescription bottled labeled to Ester Glick containing 90 oxycodone tablets (30 mg) prescribed by Dr. Brown. The prescription bottle contained 48 oxycodone tablets. The detectives also found a medicine bottle with the label torn off which contained Oxycodone, a liquid form of oxycodone, and a syringe. In addition to the above, the search of Dr. Brown's car revealed one bottle of lidocaine and four bottles of Ketorolac Tromethamine.

15. Ketorolac Tromethamine is indicated for the short-term, less than 5 day, management of moderately severe acute pain that requires analgesia at the opioid level, usually in a postoperative setting. Therapy should always be

initiated with IV or IM dosing of Ketorolac Tromethamine, and tablets should be used only as continuation treatment, if necessary.

16. Lidocaine is a common local anesthetic and antiarrhythmic drug. Lidocaine is used topically to relieve itching, burning and pain from skin inflammations, injected as a dental anesthetic or as a local anesthetic for minor surgery.

17. Following the completion of the search of Dr. Brown's car, the detectives placed Dr. Brown under arrest for trafficking in oxycodone.

18. On or about April 28, 2010, a Department investigator went to Dr. Brown's office located 605 East Atlantic Boulevard, Pompano Beach, Florida 33060 to serve a subpoena to view his required dispensing practitioner logs. The investigator spoke with JG, the office manager, who stated that he was a patient of Dr. Brown. JG signed a release for his medical records to be released to the Department.

19. On or about April 28, 2010, Dr. Brown provided the dispensing logs, and gave the investigator permission to review all patient records. The prescription logs showed, in relevant part, that Dr. Brown prescribed 930 oxycodone tablets (30 mg), 975 oxycodone tablets (15mg), 300 methadone tablets (10 mg), 240 Endocet tablets (10-325 mg), and 390 amphetamine tablets (30 mg) to Patient JG:

Oxycodone 30 mg	Oxycodone 15 mg	Methadone	Endocet	Amphetamine
12/09/2008 30 mg 195 tablets	7/18/08 15 mg 90 tablets	8/12/08 10mg 180 tablets	11/24/08 10-325 mg 120 tablets	9/26/08 30 mg 30 tablets
1/06/09 30 mg 195 tablets	8/26/08 15 mg 90 tablets	3/13/09 10mg 120 tablets	4/08/09 10-325 mg 120 tablets	11/17/08 30 mg 60 tablets
7/24/09 30 mg 180 tablets	1/02/09 15 mg 180 tablets			12/09/08 30 mg 60 tablets
	1/30/09 15 mg 120 tablets			1/06/09 30 mg 60 tablets
	3/13/09 15 mg 195 tablets			3/13/09 30 mg 60 tablets
	7/24/08 15 mg 90 tablets			7/24/09 30 mg 60 tablets
8/10/09 30 mg 180 tablets	8/10/09 15 mg 90 tablets			
9/28/09 30 mg 180 tablets	10/08/09 15 mg 120 tablets			10/19/09 30 mg 60 tablets

20. Methadone is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, methadone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of methadone may lead to severe psychological or physical dependence

21. Endocet contains a combination of oxycodone and acetaminophen and is used to treat pain. According Section 893.03(2), Florida Statutes,

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Endocet is a Schedule III controlled substance that has potential for abuse and has a currently accepted but restricted medical use in treatment in the United States, and abuse of Endocet may lead to psychological or physical dependence.

22. Amphetamine is a stimulant. According to Section 893.03(2), Florida Statutes, is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of amphetamine may lead to severe psychological or physical dependence.

23. On or about April 28, 2010, when the Department investigator reviewed Dr. Brown's patient records, there were no records for Patient JG.

24. In addition, the prescription logs showed, in relevant part, that Dr. Brown prescribed 3,150 oxycodone tablets (30 mg), 1,050 oxycodone tablets (15mg), 180 Endocet tablets (10-325 mg), and 360 amphetamine tablets (30 mg) to Patient Ju.G, Patient JG's wife:

Oxycodone 30mg	Oxycodone 15 mg	Methadone	Endocet	Amphetamine
8/14/08 30 mg 180 tablets	5/15/09 15 mg 90 tablets		12/23/08 10-325 mg 90 tablets	1/16/09 30 mg 60 tablets
9/12/08 30 mg 210 tablets	8/19/09 15 mg 120 tablets		1/30/09 10-325 mg 90 tablets	6/11/09 30 mg 60 tablets
10/14/08 30 mg 195 tablets	9/23/09 15 mg 180 tablets			11/16/09 30 mg 60 tablets

Oxycodone 30mg	Oxycodone 15 mg	Methadone	Endocet	Amphetamine
11/24/08 30 mg 195 tablets	10/26/09 15 mg 120 tablets			1/5/10 30 mg 60 tablets
1/16/09 30 mg 180 tablets	12/11/09 15 mg 120 tablets			2/16/10 30 mg 60 tablets
4/24/09 30 mg 180 tablets	1/11/10 15 mg 150 tablets			4/15/10 30 mg 60 tablets
5/15/09 30 mg 180 tablets	2/16/10 15 mg 60 tablets			
6/11/09 30 mg 180 tablets	3/10/10 15 mg 150 tablets			
7/14/09 30 mg 180 tablets	4/15/10 15 mg 60 tablets			
8/19/09 30 mg 195 tablets				
9/14/09 30 mg 195 tablets				
10/19/09 30 mg 180 tablets				
11/14/09 30 mg 180 tablets				
1/5/10 30 mg 180 tablets				
1/25/10 30 mg 180 tablets				
2/20/10 30 mg 180 tablets				

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Oxycodone 30mg	Oxycodone 15 mg	Methadone	Endocet	Amphetamine
3/26/10 30 mg 180 tablets				

25. On or about April 28, 2010, when the Department investigator reviewed Dr. Brown's patient records, there were no records for Patient Ju.G.

26. In addition, on or about April 28, 2010, when the Department investigator reviewed Dr. Brown's patient records, there were no records for Patient CS (the confidential source).

27. On or about April 28, 2010, the Broward County Sheriff's office observed Dr. Brown in the parking lot of his medical practice placing a small round white object into his mouth and swallowing.

28. The officer found a pill bottle containing 25 tablets of oxycodone (30 mg) in Dr. Brown's possession. Dr. Brown was charged with possession of oxycodone and booked into jail. Dr. Brown was later released on bail.

29. Section 458.331(1)(q), Florida Statutes (2009), subjects a licensee to discipline, including suspension, for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including

all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or his intent.

30. Dr. Brown violated Section 458.331(1)(q), Florida Statutes (2009), by prescribing medications to CS with no medical records to justify why the prescriptions were being written.

31. Dr. Brown violated section 458.331(1)(q), Florida Statutes (2009), by prescribing medications to CS, JG and Ju.G with no medical records justifying why the prescriptions were being written. This practice of writing prescriptions with no medical records to justify why the prescriptions are being written, places Dr. Brown's patients in immediate, serious danger.

32. A dispensing practitioner licensed in the state of Florida is one of a small number of licensed professionals allowed to prescribe, administer, and dispense controlled substances in the state. The Legislature has vested a trust and confidence in these licensed professionals by permitting them to prescribe drugs and dispense drugs with a high potential for abuse and harm. Inappropriate prescribing of highly addictive controlled substances to patients presents a danger to the public health, safety, or welfare, and does not correspond to that level of professional conduct expected of one licensed to practice medicine in this state.

33. The facts outlined above show that Dr. Brown has shown a disregard for the safety of the public by his practice of prescribing medications to patients with no medical records to justify why the prescriptions were being written. In addition, Dr. Brown's practice was especially egregious in that he was using his relationship as a physician with a patient to divert medication for his own use. These actions clearly constitute prescribing outside the practice of medicine and present such an immediate, serious danger to the public health, safety or welfare that nothing short of the immediate suspension of his license to practice medicine will protect the public from this danger.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction pursuant to Sections 20.43, 456.073(8), and Chapter 458, Florida Statutes.
2. Dr. Brown violated Section 458.331(1)(q), Florida Statutes, by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice.
3. Dr. Brown's continued practice as a physician constitutes an immediate, serious danger to the health, safety, or welfare of the public and this

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summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes, (2009), it is **ORDERED THAT:**

1. The license of Steven Barry Brown, M.D. license number ME 60483 is immediately suspended.

2. A proceeding seeking formal suspension or discipline of the license of Steven Brown to practice as a physician in the State of Florida will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2009).

DONE and ORDERED this 5 day of May, 2010.

REDACTED SIGNATURE

Ana M. Viamonte Ros, M.D., M.P.H.,
State Surgeon General
Department of Health

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, (2009), the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the Department of Health and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.

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